

**TEKER TORRES & TEKER, P.C.**  
SUITE 2A, 130 ASPINALL AVENUE  
HAGÂTÑA, GUAM 96910  
TELEPHONE: (671) 477-9891/4  
FACSIMILE: (671) 472-2601

**UNPINGCO & ASSOCIATES, LLC**  
SUITE 12B, SINAJANA MALL  
SINAJANA, GUAM  
TELEPHONE: (671) 475-8545  
FACSIMILE: (671) 475-8550

**SHORE CHAN BRAGALONE LLP**  
SUITE 4450  
325 N. ST. PAUL STREET  
DALLAS, TEXAS 75201  
TELEPHONE: (214) 593-9110  
FACSIMILE: (214) 593-9111

*Attorneys for Plaintiffs  
Nanya Technology Corp. and  
Nanya Technology Corp. U.S.A.*

**IN THE DISTRICT COURT OF GUAM**

NANYA TECHNOLOGY CORP. and  
NANYA TECHNOLOGY CORP. U.S.A.

Plaintiffs,

vs.

FUJITSU LIMITED and FUJITSU  
MICROELECTRONICS AMERICA,  
INC.

Defendants.

No. CV-06-00025

**DECLARATION OF  
PETER DUANE CRUZ**

I, Peter Duane Cruz, declare under penalty of perjury that the following statements are true and correct.

1. I am over the age of eighteen years, a resident of Guam and not an interested party in the above-captioned matter.

2. I am the Assistant Manager and the Procurement Manager at Toys N' Joys, an

**FILED**

DISTRICT COURT OF GUAM

JUN 22 2007

MARY L.M. MORAN  
CLERK OF COURT

1 electronics and children's store located in Harmon, Guam.

2 3. On June 9, 2006, I received the first version of the Nintendo DS Lite which  
3 originally came in one color, that being white. On or about that date, Toys N' Joys offered the  
4 Nintendo DS Lite for sale.

5 4. On December 15, 2005, in anticipation of the Christmas rush for electronics, I  
6 received and offered for sale the Sony PlayStation Portable.

7 5. In or about September of 2006, I received and offered for sale the new colors  
8 made available by Nintendo, that being pink and black.

9 6. Attached as exhibit "A" are true and correct copies of Invoices and other  
10 documents showing purchase and receipts of products on Guam.

11 I declare under penalty of perjury under the laws of the United States of America that  
12 the foregoing is true and correct

13 DATED at Hagåtña, Guam, this 22<sup>nd</sup> day of June, 2007.

14  
15   
16 **PETER DUANE CRUZ**

# EXHIBIT A

Regular

Item #	Dept	Vendor	Description 1	Attribute	Size	New Qty	Old Qty
5481	SYS			SYS		24	0

Old Cost:	\$0.00	New Cost:	\$3,108.00	Cost Difference:	\$3,108.00
Old Quantity:	0	New Quantity:	24	Quantity Difference:	24

Regular

Item #	Dept	Vendor	Description 1	Attribute	Size	New Cost	Old Cost
5174	SYS			PSP		\$199.99	\$0.00

Old Cost:	\$0.00	New Cost:	\$0.00	Cost Difference:	\$0.00
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